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Attorneys for Plaintiff
United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

M/V COSCO BUSAN, LR/IMO Ship No.
9231743, her engines, apparel, electronics, tackle,
boats, appurtenances, *etc.*, *in rem*, THE
SHIPOWNERS' INSURANCE & GUARANTY
COMPANY LTD., REGAL STONE LIMITED,
FLEET MANAGEMENT LTD., and JOHN
COTA, *in personam*,

Defendants.

WARRANT OF ARREST OF VESSEL

RECEIVED

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RICHARD W. WIERING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

E-filing

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Civil No. 07

IN ADMIRALTY

WARRANT OF ARREST OF VESSEL

6045

1 **TO: The United States Marshal for the Northern District of California**

2 WHEREAS, the United States has filed a verified complaint, *in rem*, to foreclose maritime
3 lien claims against the defendant vessel M/V COSCO BUSAN, LR/IMO Ship No. 9231743, her
4 engines, boats, electronics, radios, navigation equipment, radars, bunkers, machinery, rigging, and
5 any and all appurtenances appertaining or belonging to said vessel (hereafter the "Vessel"), for
6 reasons set forth in the complaint, and praying for process of warrant for the arrest of said defendant
7 Vessel, and that all persons interested in the said defendant Vessel may be cited to answer the
8 premises, and that said defendant Vessel may, for the causes set forth in the said complaint, be sold
9 to pay the demands of the United States, and the Court having ordered this warrant of arrest to issue,

10 YOU ARE HEREBY COMMANDED to arrest the said Vessel and her appurtenances, etc.,
11 as so described above, and to detain the same in your custody until further order of the Court
12 respecting the same and to promptly give actual notice of the commencement of this action to the
13 Master, or other ranking officer or caretaker of the Vessel, and further, in accordance with
14 Supplemental Rule C(4) of the Federal Rules of Civil Procedure, if the Vessel has not been released
15 within ten (10) days after execution of this process, to publish a Notice of Arrest and Filing of Action
16 in a form similar to the Notice attached hereto as Exhibit "A", in order to give all persons claiming
17 the same or having anything to say why the Vessel should not be sold pursuant to the prayer of the
18 verified complaint due notice that, pursuant to Supplemental Admiralty Rule C(6) of the Federal
19 Rules of Civil Procedure, a verified claim by any person asserting a right of possession or any
20 ownership in the Vessel must be filed with the Clerk of the Court and a copy thereof served upon
21 attorneys for plaintiff within ten (10) days after the earlier of (1) the arrest of the Vessel, (2)
22 publication of this notice, or (3) within such other time as may be allowed by the Court; any person
23 who files such claim asserting a right of possession or any ownership interest in the Vessel must file
24 and serve a verified answer to the complaint within 20 days after filing the claim; that as to any
25 person not so serving and filing the foregoing verified claim, default will be noted and condemnation
26 ordered.

27
28 WARRANT OF ARREST OF VESSEL

Said Notice of Arrest shall further provide that, pursuant to Rule 24 of the Federal Rules of Civil Procedure any person who asserts a claim of maritime lien or other non-possessory or non-ownership interest in the Vessel must apply for intervention by filing such application with the Clerk of the Court and by serving a copy thereof upon attorneys for plaintiff; applications for intervention in accordance with Rule 24 of the Federal Rules of Civil Procedure must be filed within twenty (20) days after publication of the Notice of Arrest and, as to all persons not so filing such applications for intervention within the time limits set out above, default will be taken.

YOU ARE FURTHER COMMANDED to file this process in this Court with your return promptly after execution thereof.

WITNESS this Honorable Court on the date set forth below.

Date: _____.

RICHARD W. WIEKING
CLERK OF THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

By: _____
Deputy Clerk of the Court

PRESENTED BY:

JEFFREY S. BUCHOLTZ
Acting Assistant Attorney General



R. MICHAEL UNDERHILL
Attorney in Charge, West Coast Office
Torts Branch, Civil Division
GEOFFREY D. OWEN
Trial Attorney
U.S. Department of Justice

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WARRANT OF ARREST OF VESSEL

1 RONALD J. TENPAS
Acting Assistant Attorney General
2 Environment and Natural Resources Division
United States Department of Justice
3 Washington D.C. 20530
BRADLEY R. O'BRIEN
4 Environmental Enforcement Section
United States Department of Justice
5
Attorneys for Plaintiff
6 United States of America
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WARRANT OF ARREST OF VESSEL

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

M/V COSCO BUSAN, LR/IMO Ship No. 9231743,
her engines, apparel, electronics, tackle, boats,
appurtenances, *etc.*, *in rem*, THE SHIPOWNERS'
INSURANCE & GUARANTY COMPANY LTD.,
REGAL STONE LIMITED, FLEET
MANAGEMENT LTD., and JOHN COTA, *in*
personam,

Defendants.

Civil No.

IN ADMIRALTY

(PROPOSED)
PUBLICATION OF NOTICE OF
ARREST OF VESSEL PURSUANT TO
SUPPLEMENTAL ADMIRALTY
RULE C(4) OF THE FED.R.CIV.P.

In obedience to a Warrant for Arrest directed to me in the above-entitled cause, I have, on the . . . day of . . . , 2007, seized and taken into my possession the following described defendant, to wit: the vessel M/V COSCO BUSAN, LR/IMO Ship No. 9231743, her engines, apparel, electronics, tackle, boats, appurtenances, *etc.*, *in rem* (the "Vessel"), for the causes set forth in the complaint.

I HEREBY GIVE NOTICE that, pursuant to Supplemental Admiralty Rule C(6)(a) of the Federal Rules of Civil Procedure, a verified statement of right or interest by any person asserting a right of possession or any ownership in the Vessel must be filed with the Clerk of the Court and a copy thereof served upon attorneys for plaintiff within ten (10) days after the earlier of (1) the EXHIBIT "A" TO WARRANT OF ARREST OF VESSEL – (PROPOSED) NOTICE OF ARREST

1 foregoing execution of process on the Vessel or (2) within such other time as may be allowed by the
 2 Court; any person who asserts a right of possession or any ownership interest in the Vessel must file
 3 and serve an answer to the complaint within 20 days after filing the verified statement of right or
 4 interest; that as to any person not so serving and filing the foregoing verified statement of right or
 5 interest, default will be noted and condemnation ordered.

6 I HEREBY GIVE FURTHER NOTICE that, pursuant to Rule 24 of the Federal Rules of
 7 Civil Procedure, any person who asserts a claim of maritime lien or other non-possessory or non-
 8 ownership interest in the Vessel must apply for intervention by filing such application with the Clerk
 9 of the Court and by serving a copy thereof upon attorneys for plaintiff; applications for intervention
 10 in accordance with Rule 24 of the Federal Rules of Civil Procedure must be filed within twenty (20)
 11 days after publication of the Notice of Arrest and, as to all persons not so filing such applications for
 12 intervention within the time limits set out above, default will be taken.

13 Service upon plaintiff's attorneys shall be made at:

14 R. MICHAEL UNDERHILL
 15 Attorney in Charge, Torts Branch, Civil Division
 16 GEOFFREY D. OWEN
 17 Trial Attorney
 18 U.S. Department of Justice
 19 P.O. Box 36028, Room 7-5395
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 21 Environmental Enforcement Section
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 Facsimile: (415) 744-6476
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23 Attorneys for Plaintiff
 24 United States of America
 25

26 //
 27 //

28 EXHIBIT "A" TO WARRANT OF ARREST OF VESSEL – (PROPOSED) NOTICE OF ARREST

1 Dated this _____ day of _____, 2007.

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3 /s/
4 United States Marshal for the
5 Northern District of California
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27 EXHIBIT "A" TO WARRANT OF ARREST OF VESSEL – (PROPOSED) NOTICE OF ARREST
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